

NH Prescription Drug Affordability Board

In-person / Remote Hybrid Meeting

February 6, 2023 10:00 AM

NOTE: This meeting was recorded. All related documents (and a recording of the entire meeting) are available at: [New Hampshire Prescription Drug Affordability Board | New Hampshire Department of Health and Human Services \(nh.gov\)](#)

CALL TO ORDER: Representative Gary Merchant, Chair, opened; introductions were made.

ATTENDING: In person: Representative Gary Merchant, Robert Woodward (virtually), Tom Sherman, Representative James Murphy, Todd Fahey, William Marsh, Jason Aziz.

A quorum was established.

ABSENT: Senator Sharon Carson, Senator Cindy Rosenwald.

AGENDA REVIEW: Representative Merchant reviewed the agenda with the Board. He mentioned that Attorney Philips was unable to make the meeting due to health reasons, so the non-meeting meeting would need to be removed from the agenda.

REVIEW AND APPROVE MINUTES OF JANUARY 3 MEETING: Representative Merchant noted that William Marsh still had the title of Representative in the minutes but was not a Representative at this time, so that will need to be amended. Motion to accept upon removal of former title made by Todd Fahey, seconded by Representative James Murphy. Motion passed via roll call.

DHHS OVERVIEW OF BOARD ACCOUNTING AND INVOICING – Mary Calise held a discussion with the Board about how the accounting aspect works, explaining that funding will be cost allocated to the Board. They talked about how an accounting unit needs to be created for the Board to contribute the funding to. Mary stated she would follow up on what was needed from the Board in order to create that accounting unit, as they don't currently have funding. She will also provide a statement of appropriations. Mary explained how the invoicing would work in conjunction with the account, which is hinged upon the approval of the MOU. Nancy Plourde will provide a list to Finance, that contains contacts to where the invoices may be sent.

MOU WITH DHHS: Robert Berry reviewed the changes to the MOU, verbally and visually. The main update reflected the financing aspect that was reviewed with Mary Calise, just prior. Jason Aziz also recommended spelling out the acronym "CHIS", in its initial use in the document. Rob reminded the Board that the next steps for the MOU are having it signed by the Commissioner and then, he believes, approved by Governor and Council. Rob will follow up with clarification on the final step. Rob expects it to be approved in March. Motion to approve with the changes mentioned, made by Tom Sherman, seconded by Representative James Murphy. Motion passed via roll call.

UPDATE ON EMAILS TO ENTITIES AS MANUFACTURERS AND DISTRIBUTORS: Nancy Plourde provided an update to the compliance emails. Nancy estimated there has been about 25% response thus far. Representative Merchant reviewed the fine details of compliance.

NON-MEETING WITH BOARD ATTORNEY: In place of holding the meeting with the Board attorney, Representative Merchant reviewed statute 99-D, regarding defense and indemnification. Representative Merchant stated that all Board members, as officials, would be covered.

LEGISLATIVE UPDATE ON HB 130 AND HB 172: Representative Merchant reviewed the bills HB 130, which is the bill to repeal the Board, and HB 172, which is to conduct a study to look at redundancy between the Insurance Department and Board, suspending the Board while it is being conducted. Tom Sherman discussed the idea of redundancy; he doesn't believe that the apparent duplication in presence of data itself creates redundancy, rather the methodology of the analysis, which is not currently being duplicated. A lengthy discussion ensued around various methodologies on the table, and the importance that the Board be allowed to conduct analysis before its worthiness is determined.

PUBLIC COMMENTS: Representative Peter Leishman, one of the sponsors of the 2 House bills referenced, spoke, initially stating he was glad there was someone from the Insurance Department in attendance (in reference to the new Board alternate member Jason Aziz). He stated the issue he has is bipartisan, contrary to popular belief. He raised a concern about Tom Sherman's motion noted in the January minutes, to send out invoices. The Board clarified that no invoices have been sent out to date. He also stated he feels there is an important need to have financial oversight and transparency of this Board, to which Representative Merchant and Tom Sherman replied, citing examples of how both concerns are already being met. Tom Sherman reiterated the fact that, if this Board is repealed, the process that is occurring in this Board does not currently exist anywhere else.

ADJOURNMENT: Representative Merchant made an undebatable motion to adjourn.

Todd Fahey, Clerk, respectfully submitted.

Nancy T. Plourde, Recording Secretary